

TJH

**Notice of Allowability**

Application No.

10/620,497

Examiner

Kristen Mullen

Applicant(s)

THOMPSON, DAVID L.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/16/05 (response).
2. ☒ The allowed claim(s) is/are 12-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.  |



### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Chapik on 11/21/05.

The application has been amended as follows:

- In the specification, page 1, lines 6-10 have been replaced with the following:  
--This application is a divisional of application Serial No. 09/821,518, filed March 30, 2001, now U.S. Pat. No. 6,622,050 which claims priority to and the benefit of the filing date of Provisional Patent Application Ser. No. 60/193,881, entitled "Variable Encryption Scheme for Data Transfer between Medical Devices and Related Data Management Systems," filed March 31, 2000, which application is hereby incorporated by reference in its entirety.--
- In the specification, page 2, lines 1-30 have been replaced with the following:  
--applications entitled "Medical System Having Improved Telemetry," filed Jul. 19, 1999, Ser. No. 09/356,340, now U.S. Pat. No. 6,298,271; "System and Method for Transferring Information Relating to an Implantable Medical Device to a Remote Location," filed on Jul. 21, 1999, Ser. No. 09/358,081, now U.S. Pat. No. 6,250,309; "Apparatus and Method for Remote Troubleshooting, Maintenance and Upgrade of Implantable Device Systems," filed on Oct. 26, 1999, Ser. No. 09/426,741, now U.S. Pat. No. 6,442,433; "Tactile Feedback for Indicating

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Validity of Communication Link with an Implantable Medical Device," filed Oct. 29, 1999, Ser. No. 09/430,708, now U.S. Pat. No. 6,644,321; "Apparatus and Method for Automated Invoicing of Medical Device Systems," filed Oct. 29, 1999, Ser. No. 09/430,208, now U.S. Pat. No. 6,385,593; "Apparatus and Method for Remote Self-Identification of Components in Medical Device Systems," filed Oct. 29, 1999, Ser. No. 09/429,956 now abandoned; "Apparatus and Method to Automate Remote Software Updates of Medical Device Systems," filed Oct. 29, 1999, Ser. No. 09/429,960, now U.S. Pat. No. 6,363,282; "Method and Apparatus to Secure Data Transfer From Medical Device Systems," filed Nov. 2, 1999, Ser. No. 09/431,881; "Implantable Medical Device Programming Apparatus Having An Auxiliary Component Storage Compartment," filed Nov. 4, 1999, Ser. No. 09/433,477, now U.S. Pat. No. 6,411,851; "Remote Delivery Of Software-Based Training For Implantable Medical Device Systems," filed Nov. 10, 1999, Ser. No. 09/437,615, now U.S. Pat. No. 6,386,882; "Apparatus and Method for Remote Therapy and Diagnosis in Medical Devices Via Interface Systems," filed Dec. 14, 1999, Ser. No. 09/460,580, now U.S. Pat. No. 6,418,436; "Virtual Remote Monitor, Alert, Diagnostics and Programming For Implantable Medical Device Systems" filed Dec. 17, 1999, Ser. No. 09/466,284, now U.S. Pat. No. 6,497,655; "Instrumentation and Software for Remote Monitoring and Programming of Implantable Medical Devices (IMDs)," filed Dec. 21, 1999, Ser. No. 60/172,937; "Application Proxy For Telecommunication-enabled Remote Medical Access Instruments," filed Dec. 23, 1999, Ser. No. 60/173,081; "Information Network Scheme For Interrogation Of Implantable Medical Devices (IMDs)," filed Dec. 24, 1999, Ser. No. 60/173,064; "Medical Device GUI For Cardiac Electrophysiology Display And Data Communications," filed Dec. 24, 1999, Ser. No. 60/173,065; "Integrated Software System For

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Implantable Medical Device Installation And Management," filed Dec. 24, 1999, Ser. No.

60/173,082; "Dynamic Bandwidth Monitor And Adjuster For Remote Communications With A--

- In the specification, page 3, lines 1-28 have been replaced with the following:

--Medical Device," filed Dec. 24, 1999, Ser. No. 60/173,083 "Large-Scale Processing Loop For

Implantable Medical Devices (IMDs)," filed Dec. 24, 1999, Ser. No. 60/173,079; "Chronic Real-

Time Information Management Systems For Implantable Medical Devices (IMDs)," filed Dec.

24, 1999, Ser. No. 60/173,062; "Automatic Voice and Data Recognition For Medical Device

Instrument Systems," filed Dec. 24, 1999, Ser. No. 60/173,071 "Central Switchboard to

Facilitate Remote Collaboration With Medical Instruments," filed Dec. 24, 1999, Ser. No.

60/173,080; "System Of Notification Of Recalled Components For A Medical Device" filed Dec.

29, 1999, Ser. No. 09/474,694; "A Communications System For An Implantable Device And A

Drug Dispenser" Dec. 30, 1999, Ser. No. 09/475,709, now U.S. Pat. No. 6,471,645; "User

Authentication In Medical Systems Device," filed Dec. 30, 1999, Ser. No. 60/173,822;

"Automated Invoicing Based On Medical System Usage," filed Dec. 30, 1999, Ser. No.

60/173,824; "Responsive Manufacturing and Inventory Control," filed Feb. 4, 2000, Ser. No.

60/180,289; "Information Remote Monitor (IRM) Medical Device," filed Feb. 4, 2000, Ser. No.

60/180,285 "Follow-Up Monitor For Implantable Medical Device," filed Feb. 23, 2000, Ser. No.

60/184,221; "Implantable Medical Device With Multi-Vector Sensing Electrodes," filed Mar. 1,

2000, Ser. No. 60/186,235; "Stimulator For Delivery Of Molecular Therapy," filed Mar. 7, 2000,

Ser. No. 60/187,280; "Individualized, Integrated, And Informative Internet Portal For Holistic

Management of Patients With Implantable Devices," filed Mar. 15, 2000, Ser. No. 60/189,562;

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"Heart Failure Monitor Quick Look Summary For Patient Management Systems," filed Mar. 17, 2000, Ser. No. 60/190,272; "A Universal Interface For Medical Device Data Management," filed Mar. 17, 2000, Ser. No. 60/190,465; "Telepresence Apparatus And Method For Remote Implantable Medical Device Implementation And Management," filed Mar. 24, 2000, Ser. No. 60/192,006; "A Hand-Held Surface ECG and RF Apparatus Incorporated With a Medical Device," filed Mar. 29, 2000, Ser. No. 60/192,943; all of which are incorporated herein by reference in their entirety.--

- In the claims,

Claim 12, line 7: the second instance of "an" has been deleted and replaced with --the--.

Claim 12, line 8: following "modification", --that provides encrypted sensitive information-- has been inserted.

Claim 17, line 2: "on" has been deleted and replaced with --one--.

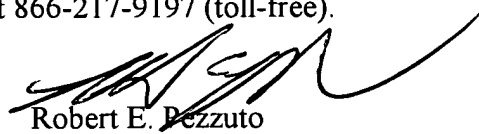
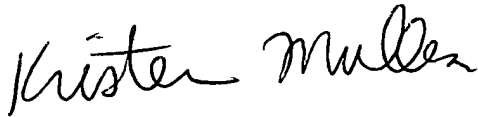
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen Mullen whose telephone number is (571) 272-4944. The examiner can normally be reached on M-F, 10:30 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert E. Pezzuto  
Supervisory Patent Examiner  
Art Unit 3766

kdm